

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 1999P02682									
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____	Application Number 10/069,621	Filed June 5, 2002									
	First Named Inventor Albrecht Goecke										
	Art Unit 2618	Examiner Tuan Hoang Nguyen									
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; vertical-align: top; padding: 5px;"><input type="checkbox"/> applicant/inventor.</td><td style="width: 50%; vertical-align: top; padding: 5px;">/Laurence A. Greenberg/ _____ Signature</td></tr><tr><td style="vertical-align: top; padding: 5px;"><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td><td style="vertical-align: top; padding: 5px;">Laurence A. Greenberg _____ Typed or printed name</td></tr><tr><td style="vertical-align: top; padding: 5px;"><input checked="" type="checkbox"/> attorney or agent of record. Registration number 29308</td><td style="vertical-align: top; padding: 5px;">954.925.1100 _____ Telephone number</td></tr><tr><td style="vertical-align: top; padding: 5px;"><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</td><td style="vertical-align: top; padding: 5px;">June 3, 2009 _____ Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>				<input type="checkbox"/> applicant/inventor.	/Laurence A. Greenberg/ _____ Signature	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	Laurence A. Greenberg _____ Typed or printed name	<input checked="" type="checkbox"/> attorney or agent of record. Registration number 29308	954.925.1100 _____ Telephone number	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	June 3, 2009 _____ Date
<input type="checkbox"/> applicant/inventor.	/Laurence A. Greenberg/ _____ Signature										
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<input checked="" type="checkbox"/> attorney or agent of record. Registration number 29308	954.925.1100 _____ Telephone number										
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	June 3, 2009 _____ Date										
<input type="checkbox"/> *Total of 1 forms are submitted.											

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Pre-Appeal Brief Request dated 6/3/2009
Reply to Office Action of March 3, 2009

Argument in Support of
Pre-Appeal Brief Request for Review

Claim 1 stands finally rejected under 35 U.S.C. § 103 as being obvious over International Publication WO 98/34203 to Jacobs et al. in view of U.S. Patent Application Publication No. 2001/0011299 A1 to Koda et al. The rejection is based on legal error since the prior art does not teach a transmission device that has a plurality of preconfigured transmission units each having an associated transmission method and a selection device to select one or more preconfigured transmission devices as is required by claim 1.

As applicant pointed out on page 5, line 11 through page 6, line 7 in the remarks section of the amendment filed on December 12, 2008, Koda et al. do not teach the limitation of claim 1 that has been referenced above.

Koda et al. do not disclose the feature of the transmission device has a plurality of pre-configured transmission units. Koda et al. clearly teach that the user terminal 3, Fig. 1 has only one transmission unit 24.

Furthermore, Koda et al. do not teach that each one of the plurality of units has an associated transmission method. As disclosed in applicant's specification, the telecommunications terminal can have a variety of units used for transmitting data using a transmission method associated with each transmission unit. For example, transmission can be effected by a transmission unit using an SMS transmission method, another unit using an e-mail method, another using a fax method and so on. According to Koda et al. (paragraphs 0097 – 0103), the selection information 22 is pre-configured as a plurality of sets of selection information. This selection information 22 relates to specific IRC services and is derived from data combinations in a user data set. Even though the selection information is pre-configured as a plurality of sets of selection information, this plurality of data sets always choose one thing, a chat (IRC) service. Applicant cannot see how these stored data combinations can be interpreted to be numerous physical transmission means. It will always select the one and the same transmission unit 24, as there is no other option of another transmission unit. Applicant is of the opinion that based on this, one of ordinary skill in the art would conclude from this teaching that the same transmission method is applied each time.

This plurality of sets, notwithstanding the fact that they are pre-configured and thus act as a set of rules, can not be read as being identical with a plurality of pre-configured transmission units having an associated transmission method.

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Furthermore, Koda et al. do not teach a selection device arranged to select one of the pre-configured transmission units.

Koda et al. clearly disclose that the service used is an Internet Relay Chat (IRC) or other **similar** services (paragraph 0091) i.e. chat services. Such services will have **one** type of transmission method. Therefore, what is being disclosed by Koda et al. and what is understood by one of ordinary skill in the art, is the use of one transmission method. There is no teaching or suggestion of having or indeed of needing more than one transmission method in the teaching of Kodha et al. Therefore, no selection of one or more transmission unit is taught since it is not even required by Kodha et al.

The panel is respectfully requested to review the final rejection of the claims and to issue an appropriate decision.